

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, ET AL.,	:	
	:	
PLAINTIFFS,	:	
vs.	:	DOCKET NUMBER
	:	1:17-CV-2989-AT
BRAD RAFFENSPERGER, ET AL.,	:	
	:	
DEFENDANTS.	:	

TRANSCRIPT OF HEARING ON PRELIMINARY INJUNCTION VIA ZOOM

PROCEEDINGS

BEFORE THE HONORABLE AMY TOTENBERG

UNITED STATES DISTRICT JUDGE

SEPTEMBER 10, 2020

1:00 P.M.

VOLUME 1

**MECHANICAL STENOGRAPHY OF PROCEEDINGS AND COMPUTER-AIDED**

**TRANSCRIPT PRODUCED BY:**

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UNITED STATES DISTRICT COURT  
OFFICIAL CERTIFIED TRANSCRIPT

**A P P E A R A N C E S   O F   C O U N S E L**

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(...cont'd....)

1 (...cont'd....)

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1	<b><u>I N D E X   T O   P R O C E E D I N G S</u></b>	
2		<b><u>PAGE</u></b>
3	OPENING STATEMENT	
4	by Mr. Cross	22
5	by Mr. Brown	27
6	by Mr. Tyson	30
7	<b><u>WITNESS</u></b>	<b><u>PAGE</u></b>
8	PHILIP B. STARK, Ph.D.	
9	Direct Examination	
10	By Mr. Brown	40
11	Cross-Examination	
12	By Mr. Miller	56
13	Redirect Examination	
14	By Mr. Brown	81
15	Examination	
16	By The Court	82
17	J. ALEX HALDERMAN, Ph.D.	
18	Direct Examination	
19	By Ms. Ascarrunz	86
20	HARRI HURSTI	
21	Direct Examination	
22	By Mr. McGuire	117
23	Cross-Examination	
24	By Mr. Tyson	144
25	Redirect Examination	
26	By Mr. McGuire	162
27	Recross-Examination	
28	By Mr. Tyson	165
29	Examination	
30	By The Court	166
31	Redirect Examination (Further)	
32	By Mr. McGuire	168
33	Recross-Examination (Further)	
34	By Mr. Tyson	169
35	JEANNE DUFORT	
36	Direct Examination	
37	By Mr. Brown	170

1 (...cont'd...)

2 **WITNESS**

**PAGE**

3 Cross-Examination

4 By Mr. Russo 185

5 Examination

6 By The Court 189

7 Redirect Examination

8 By Mr. Brown 191

9 \* \* \*

10 CERTIFICATE 209

11

12

13

14

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1 study. I'm not aware of any studies on the rate at which  
2 voters do verify hand-marked paper ballots.

3 The issue here I believe is not the rate at which voters  
4 either make mistakes or correct their own mistakes. The issue  
5 is the distinction between a voter being responsible for his or  
6 her own work and a voter being responsible for errors  
7 introduced by the electronic technology.

8 MR. MILLER: If I can, I'll pull up what will be a  
9 defense exhibit.

10 And, Your Honor, just because of the quick time line,  
11 we have not shared this as well. But we can quickly email it.

12 THE COURT: If plaintiffs would also email your  
13 documents -- your demonstrative to the defendants.

14 MR. BROWN: Yes, Your Honor.

15 THE COURT: Just remember I don't have it. We'll  
16 deal with all what I don't have later.

17 **Q. (BY MR. MILLER)** Dr. Stark, can you see your screen now?

18 **A.** Yes, sir.

19 **Q.** Okay. Can you read that?

20 **A.** The New York Times, Florida Recount Senate Votes Yet Again  
21 and Nelson's Chances Dwindle.

22 **Q.** Okay.

23 **A.** Shall I go ahead and read the article?

24 **Q.** No. I apologize. I, frankly, meant in terms of can you  
25 read the text on the screen. But that is all fine as well.

1     **A.**    Yes, sir.

2     **Q.**    Okay.  And the paper is not recorded --

3                     **(Unintelligible colloquy)**

4                     THE COURT:  Whoever is speaking has to remember that  
5     you are going to be sharing your voice and your remarks with  
6     everybody else in the court.  Thank you.  Be careful.

7                     Go ahead.

8     **Q.**    **(BY MR. MILLER)**  And so, Dr. Stark, in those instances,  
9     the what you referred to as a VVPAT, which I take to mean a  
10    voter verifiable paper audit trail, that was not a vote of  
11    record; correct?

12    **A.**    I'm sorry.  That was not a --

13    **Q.**    In the context of India, the printout that came on with  
14    the EVMs was not a vote of record; correct?

15    **A.**    I don't know Indian electoral law well enough to know  
16    whether they considered the printout to be the vote of record  
17    or the electronic record to be the vote of record.

18    **Q.**    Let me put it this way:  When tabulating, the machine is  
19    tabulating the vote in the machine and it is not tabulating  
20    anything on paper; correct?

21    **A.**    That is correct.

22    **Q.**    Okay.  So you conducted an audit on these machines in  
23    India; right?

24    **A.**    No, sir, I did not.

25    **Q.**    You wrote a paper on it?

## C E R T I F I C A T E

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF GEORGIA

I, SHANNON R. WELCH, RMR, CRR, Official Court Reporter of the United States District Court, for the Northern District of Georgia, Atlanta Division, do hereby certify that the foregoing 208 pages constitute a true transcript of proceedings had before the said Court, held in the City of Atlanta, Georgia, in the matter therein stated.

In testimony whereof, I hereunto set my hand on this, the 12th day of September, 2020.

*Shannon R. Welch*

SHANNON R. WELCH, RMR, CRR  
OFFICIAL COURT REPORTER  
UNITED STATES DISTRICT COURT

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